

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE GUARDIAN LIFE INSURANCE
COMPANY OF AMERICA,

Plaintiff,

v.

EDWARD SAMUEL PUNDYK, *et al.*,

Defendants.

Case No. 2:16-cv-01196-APG-GWF

**ORDER ACCEPTING REPORT AND
RECOMMENDATION AND
GRANTING MOTION TO
INTERPLEAD FUNDS**

(ECF Nos. 27, 36)

This is an interpleader action filed by plaintiff The Guardian Life Insurance Company of America due to competing claims for life insurance benefits under an ERISA plan. On January 4, 2017, Magistrate Judge Foley recommended that I grant plaintiff The Guardian Life Insurance Company of America's Motion for Interpleader (ECF No. 27) to the extent that Guardian be permitted to deposit the plan benefit funds with the Court and that judgment be entered in Guardian's favor that it has complied with its legal obligations regarding the life insurance proceeds by depositing the funds with the court. ECF No. 36. Judge Foley also recommended that Guardian be permitted to file its application for attorneys' fees and costs within 30 days of the order adopting his report and recommendation.

No one objected. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

IT IS THEREFORE ORDERED that Judge Foley's report and recommendation (ECF No. 36) is accepted.

1 IT IS FURTHER ORDERED that plaintiff The Guardian Life Insurance Company of
2 America's motion for interpleader (**ECF No. 27**) is **GRANTED**. The Guardian Life Insurance
3 Company of America shall deposit the plan benefit funds with the Court on or before February
4 17, 2017. Upon deposit of those funds, the clerk of court shall enter judgment in The Guardian
5 Life Insurance Company of America's favor that it has complied with its legal obligations
6 regarding the life insurance proceeds by depositing the funds with the court.

7 IT IS FURTHER ORDERED that The Guardian Life Insurance Company of America
8 may file an application for attorneys' fees and costs within 30 days of entry of this order.

9 DATED this 1st day of February, 2017.

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12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
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